

GOODIN, MACBRIDE, SQUERI, RITCHIE & DAY, LLP
ROBERT A. GOODIN, State Bar No. 061302
FRANCINE T. RADFORD, State Bar No. 168269
505 Sansome Street, Suite 900
San Francisco, California 94111
Telephone: (415) 392-7900
Facsimile: (415) 398-4321

PILLSBURY WINTHROP SHAW PITTMAN LLP
THOMAS V. LORAN III, State Bar No. 95255
JOANNE H. KIM, State Bar No. 221525
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880
Telephone: (415) 983-1000
Facsimile: (415) 983-1200

Attorneys for Amicus Curiae Common Sense Media

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VIDEO SOFTWARE DEALERS and
ENTERTAINMENT SOFTWARE
ASSOCIATION,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, in his
official capacity as Governor of the State of
California; BILL LOCKYER, in his official
capacity as Attorney General of the State of
California; GEORGE KENNEDY, in his
official capacity as Santa Clara County
District Attorney; RICHARD DOYLE, in his
official capacity as City Attorney for the City
of San Jose, and ANN MILLER RAVEL, in
her official capacity as County Counsel for
the County of Santa Clara.

Defendants.

No. C 05 4188 RMW RS

**DECLARATION OF
CARY P. GROSS, M.D.**

Date: May 12, 2006

Time: 9:00 a.m.

Courtroom: 6

Before the Honorable Ronald M. Whyte

Case No. C 05 4188 RMW RS

DECLARATION OF CARY P. GROSS, M.D.

1 I, Cary Gross, declare:

2 1. I am a member of the Center for Outcomes Research and Effectiveness,
3 Yale New Haven Hospital, the Associate Director, Robert Wood Johnson Clinical Scholars
4 Program, an associate Professor, Primary Care Section, Yale University School of Medicine, and
5 a member of the Yale Cancer Center. A true and correct copy of my curriculum vitae is attached
6 hereto as Exhibit A.

7 2. I make this declaration in opposition to plaintiffs' motion for summary
8 judgment. I know the following facts of my own knowledge, and if called as a witness, could and
9 would testify competently thereto.

10 3. I am part of a research team brought together by Common Sense Media to
11 prepare a comprehensive report on the impact of media on children scheduled to be completed
12 later this spring. The report will examine several public health issues: smoking, drinking, sexual
13 behavior and violence, among them.

14 4. Our research team has identified six recent systematic reviews that
15 summarize the scientific evidence regarding the effect of media exposure on violent behavior in
16 children and adolescents. These are listed as follows together with citations:

- 17 1. Anderson CA. *An update on the effects of playing violent video games*. J
18 Adolesc 2004; 27:113-22.
- 19 2. Anderson CA, Bushman BJ. *Effects of violent video games on aggressive*
20 *behavior, aggressive cognition, aggressive affect, physiological arousal,*
and prosocial behavior: a meta-analytic review of the scientific literature.
Psychol Sci 2001; 12:353-9.
- 21 3. Bensley L, Van Eenwyk J. *Video games and real-life aggression: review of*
22 *the literature*. J Adolesc Health 2001; 29:244-57.
- 23 4. Paik H. *The Effects of Television Violence on Antisocial Behavior: A Meta-*
Analysis. Communication Research 1994; 21:516-546.
- 24 5. Sherry J. *The Effects of Violent Video Games on Aggression: A Meta-*
25 *Analysis*. Human Communication Research 2001; 27:409-431.
- 26 6. Wood W, Wong FY, Chachere JG. *Effects of media violence on viewers'*
27 *aggression in unconstrained social interaction*. Psychol Bull 1991;
28 109:371-83.

1 5. Together, these reviews include analysis of 249 unique articles that
2 predominantly define media as television violence and video games. Five of the six systematic
3 reviews concluded that increased media exposure was highly correlated with aggressive behavior.
4 When appropriate, a statistical effect size was calculated to quantify the association between
5 media and violence. (See Cohen J. Statistical power analysis for the behavioral sciences. New
6 York: Academic Press, 1977).

7 6. We are currently evaluating the quality of each review article, using an
8 adapted version of the Oxman-Guyatt Overview Quality Assessment Questionnaire. This is a
9 widely accepted and validated approach to evaluating the authors' synthesis of the body of
10 published work in a given field. Each review is evaluated according to 12 specific criteria,
11 including the approach to identifying relevant literature, assessing the quality of the included
12 studies, and the approach to synthesizing data. Two members of our research team will be
13 scoring each review. Possible quality scores vary from 0 (lowest) to 1 (highest). (See Oxman
14 AD, Guyatt GH. Validation of an index of the quality of review articles. J Clin Epidemiol 1991;
15 44:1271-8.) Preliminary scores for these six articles are all above the scoring threshold that is
16 consistent with a strong quality study (0.5). Therefore, although our synthesis is ongoing, it is
17 apparent to me that the medical literature supports a strong association between video games and
18 violent behavior.

19 I declare under penalty of perjury under the laws of the State of California that the
20 foregoing is true and correct. Executed on April ____, 2006 at ____, California.

21
22
23 _____
Cary P. Gross, M.D.

24
25
26 3234/001/X77057.v1